

1-1 By: Williams S.B. No. 624  
1-2 (In the Senate - Filed February 18, 2013; February 25, 2013,  
1-3 read first time and referred to Committee on Intergovernmental  
1-4 Relations; April 2, 2013, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; April 2, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Hinojosa</u>	X		
1-9	<u>Nichols</u>	X		
1-10	<u>Garcia</u>	X		
1-11	<u>Paxton</u>	X		
1-12	<u>Taylor</u>	X		

1-13 A BILL TO BE ENTITLED  
1-14 AN ACT

1-15 relating to the creation of the Montgomery County Municipal Utility  
1-16 District No. 137; granting a limited power of eminent domain;  
1-17 providing authority to issue bonds; providing authority to impose  
1-18 assessments, fees, and taxes.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-21 Code, is amended by adding Chapter 8421 to read as follows:

1-22 CHAPTER 8421. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 137

1-23 SUBCHAPTER A. GENERAL PROVISIONS

1-24 Sec. 8421.001. DEFINITIONS. In this chapter:

1-25 (1) "Board" means the district's board of directors.

1-26 (2) "Commission" means the Texas Commission on  
1-27 Environmental Quality.

1-28 (3) "Director" means a board member.

1-29 (4) "District" means the Montgomery County Municipal  
1-30 Utility District No. 137.

1-31 Sec. 8421.002. NATURE OF DISTRICT. The district is a  
1-32 municipal utility district created under Section 59, Article XVI,  
1-33 Texas Constitution.

1-34 Sec. 8421.003. CONFIRMATION AND DIRECTORS' ELECTION  
1-35 REQUIRED. The temporary directors shall hold an election to  
1-36 confirm the creation of the district and to elect five permanent  
1-37 directors as provided by Section 49.102, Water Code.

1-38 Sec. 8421.004. CONSENT OF MUNICIPALITY REQUIRED. The  
1-39 temporary directors may not hold an election under Section 8421.003  
1-40 until each municipality in whose corporate limits or  
1-41 extraterritorial jurisdiction the district is located has  
1-42 consented by ordinance or resolution to the creation of the  
1-43 district and to the inclusion of land in the district.

1-44 Sec. 8421.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-45 (a) The district is created to serve a public purpose and benefit.

1-46 (b) The district is created to accomplish the purposes of:

1-47 (1) a municipal utility district as provided by  
1-48 general law and Section 59, Article XVI, Texas Constitution; and

1-49 (2) Section 52, Article III, Texas Constitution, that  
1-50 relate to the construction, acquisition, improvement, operation,  
1-51 or maintenance of macadamized, graveled, or paved roads, or  
1-52 improvements, including storm drainage, in aid of those roads.

1-53 Sec. 8421.006. INITIAL DISTRICT TERRITORY. (a) The  
1-54 district is initially composed of the territory described by  
1-55 Section 2 of the Act enacting this chapter.

1-56 (b) The boundaries and field notes contained in Section 2 of  
1-57 the Act enacting this chapter form a closure. A mistake made in the  
1-58 field notes or in copying the field notes in the legislative process  
1-59 does not affect the district's:

1-60 (1) organization, existence, or validity;

1-61 (2) right to issue any type of bond for the purposes

2-1 for which the district is created or to pay the principal of and  
 2-2 interest on a bond;

2-3 (3) right to impose a tax; or

2-4 (4) legality or operation.

2-5 SUBCHAPTER B. BOARD OF DIRECTORS

2-6 Sec. 8421.051. GOVERNING BODY; TERMS. (a) The district is  
 2-7 governed by a board of five elected directors.

2-8 (b) Except as provided by Section 8421.052, directors serve  
 2-9 staggered four-year terms.

2-10 Sec. 8421.052. TEMPORARY DIRECTORS. (a) The temporary  
 2-11 board consists of:

2-12 (1) Deborah Hamilton Arterburn;

2-13 (2) Christina Eliasha Cole;

2-14 (3) Jared Sean Fargo;

2-15 (4) Aimee Ordeneaux Raley; and

2-16 (5) Robert Wempe.

2-17 (b) Temporary directors serve until the earlier of:

2-18 (1) the date permanent directors are elected under  
 2-19 Section 8421.003; or

2-20 (2) the fourth anniversary of the effective date of  
 2-21 the Act enacting this chapter.

2-22 (c) If permanent directors have not been elected under  
 2-23 Section 8421.003 and the terms of the temporary directors have  
 2-24 expired, successor temporary directors shall be appointed or  
 2-25 reappointed as provided by Subsection (d) to serve terms that  
 2-26 expire on the earlier of:

2-27 (1) the date permanent directors are elected under  
 2-28 Section 8421.003; or

2-29 (2) the fourth anniversary of the date of the  
 2-30 appointment or reappointment.

2-31 (d) If Subsection (c) applies, the owner or owners of a  
 2-32 majority of the assessed value of the real property in the district  
 2-33 may submit a petition to the commission requesting that the  
 2-34 commission appoint as successor temporary directors the five  
 2-35 persons named in the petition. The commission shall appoint as  
 2-36 successor temporary directors the five persons named in the  
 2-37 petition.

2-38 SUBCHAPTER C. POWERS AND DUTIES

2-39 Sec. 8421.101. GENERAL POWERS AND DUTIES. The district has  
 2-40 the powers and duties necessary to accomplish the purposes for  
 2-41 which the district is created.

2-42 Sec. 8421.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
 2-43 DUTIES. The district has the powers and duties provided by the  
 2-44 general law of this state, including Chapters 49 and 54, Water Code,  
 2-45 applicable to municipal utility districts created under Section 59,  
 2-46 Article XVI, Texas Constitution.

2-47 Sec. 8421.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
 2-48 52, Article III, Texas Constitution, the district may design,  
 2-49 acquire, construct, finance, issue bonds for, improve, operate,  
 2-50 maintain, and convey to this state, a county, or a municipality for  
 2-51 operation and maintenance macadamized, graveled, or paved roads, or  
 2-52 improvements, including storm drainage, in aid of those roads.

2-53 Sec. 8421.104. ROAD STANDARDS AND REQUIREMENTS. (a) A  
 2-54 road project must meet all applicable construction standards,  
 2-55 zoning and subdivision requirements, and regulations of each  
 2-56 municipality in whose corporate limits or extraterritorial  
 2-57 jurisdiction the road project is located.

2-58 (b) If a road project is not located in the corporate limits  
 2-59 or extraterritorial jurisdiction of a municipality, the road  
 2-60 project must meet all applicable construction standards, zoning and  
 2-61 subdivision requirements, and regulations of each county in which  
 2-62 the road project is located.

2-63 (c) If the state will maintain and operate the road, the  
 2-64 Texas Transportation Commission must approve the plans and  
 2-65 specifications of the road project.

2-66 Sec. 8421.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
 2-67 OR RESOLUTION. The district shall comply with all applicable  
 2-68 requirements of any ordinance or resolution that is adopted under  
 2-69 Section 54.016 or 54.0165, Water Code, and that consents to the

3-1 creation of the district or to the inclusion of land in the  
 3-2 district.

3-3 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-4 Sec. 8421.151. ELECTIONS REGARDING TAXES OR BONDS.

3-5 (a) The district may issue, without an election, bonds and other  
 3-6 obligations secured by:

3-7 (1) revenue other than ad valorem taxes; or

3-8 (2) contract payments described by Section 8421.153.

3-9 (b) The district must hold an election in the manner  
 3-10 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
 3-11 before the district may impose an ad valorem tax or issue bonds  
 3-12 payable from ad valorem taxes.

3-13 (c) The district may not issue bonds payable from ad valorem  
 3-14 taxes to finance a road project unless the issuance is approved by a  
 3-15 vote of a two-thirds majority of the district voters voting at an  
 3-16 election held for that purpose.

3-17 Sec. 8421.152. OPERATION AND MAINTENANCE TAX. (a) If  
 3-18 authorized at an election held under Section 8421.151, the district  
 3-19 may impose an operation and maintenance tax on taxable property in  
 3-20 the district in accordance with Section 49.107, Water Code.

3-21 (b) The board shall determine the tax rate. The rate may not  
 3-22 exceed the rate approved at the election.

3-23 Sec. 8421.153. CONTRACT TAXES. (a) In accordance with  
 3-24 Section 49.108, Water Code, the district may impose a tax other than  
 3-25 an operation and maintenance tax and use the revenue derived from  
 3-26 the tax to make payments under a contract after the provisions of  
 3-27 the contract have been approved by a majority of the district voters  
 3-28 voting at an election held for that purpose.

3-29 (b) A contract approved by the district voters may contain a  
 3-30 provision stating that the contract may be modified or amended by  
 3-31 the board without further voter approval.

3-32 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-33 Sec. 8421.201. AUTHORITY TO ISSUE BONDS AND OTHER  
 3-34 OBLIGATIONS. The district may issue bonds or other obligations  
 3-35 payable wholly or partly from ad valorem taxes, impact fees,  
 3-36 revenue, contract payments, grants, or other district money, or any  
 3-37 combination of those sources, to pay for any authorized district  
 3-38 purpose.

3-39 Sec. 8421.202. TAXES FOR BONDS. At the time the district  
 3-40 issues bonds payable wholly or partly from ad valorem taxes, the  
 3-41 board shall provide for the annual imposition of a continuing  
 3-42 direct ad valorem tax, without limit as to rate or amount, while all  
 3-43 or part of the bonds are outstanding as required and in the manner  
 3-44 provided by Sections 54.601 and 54.602, Water Code.

3-45 Sec. 8421.203. BONDS FOR ROAD PROJECTS. At the time of  
 3-46 issuance, the total principal amount of bonds or other obligations  
 3-47 issued or incurred to finance road projects and payable from ad  
 3-48 valorem taxes may not exceed one-fourth of the assessed value of the  
 3-49 real property in the district.

3-50 SECTION 2. The Montgomery County Municipal Utility District  
 3-51 No. 137 initially includes all the territory contained in the  
 3-52 following area:

3-53 A METES AND BOUNDS description of a 500.9 acre tract of land  
 3-54 situated in the Joseph Miller Survey, Abstract No. 27 and the James  
 3-55 Brown Survey, Abstract No. 78 of Montgomery County, Texas; being  
 3-56 all of Tracts 1 through 7 conveyed to Venton L. Doughtie, Jr., by  
 3-57 Deed, as filed for record under Volume 724, Page 836 of the  
 3-58 Montgomery County Deed Records; said 500.9 acre tract being more  
 3-59 particularly described as follows with all bearings being based on  
 3-60 the Texas Coordinate System, Central Zone, NAD 83:

3-61 BEGINNING at the northwest corner of said Tract 7 in the south  
 3-62 line of a called 20 acre tract conveyed to J.J. Hubenak and wife,  
 3-63 Shirley Fay Hubenak by Warranty Deed with Vendor's Lien as file for  
 3-64 record under Volume 597, Page 165 of the Montgomery County Deed  
 3-65 Records and being the northeast corner of a called 16.92 acre tract  
 3-66 conveyed to Gale Philip Clee by General Warranty Deed as filed for  
 3-67 record under Volume 677, Page 914 of the Montgomery County Deed  
 3-68 Records;

3-69 THENCE, North 87°57'51" East, 1375.35 feet along the north

4-1 line of said Tract 7 to a found 1/2-inch iron rod in asphalt for the  
4-2 northeast corner of said Tract 7;

4-3 THENCE, South 01°02'09" East, 570.46 feet along the east line  
4-4 of said Tract 7 and the west right-of-way of Dry Creek Road to a set  
4-5 5/8-inch iron rod (with cap stamped "Cotton Surveying") in the  
4-6 south right of Standard Road (width varies) as filed for record  
4-7 under Clerk's File No. 8534576 of the Montgomery County Official  
4-8 Public Records of Real Property;

4-9 THENCE, in a northeast direction, along the south  
4-10 right-of-way of said Standard Road, with the arc of a curve to the  
4-11 right, having a radius of 3037.94 feet, a central angle of  
4-12 04°48'54", an arc length of 255.30 feet, and a chord bearing North  
4-13 87°29'06" East,, 255.23 feet to a set 5/8-inch iron rod (with cap  
4-14 stamped "Cotton Surveying");

4-15 THENCE, North 89°53'33" East, 1694.22 feet continuing along  
4-16 the south right-of-way of said Standard Road to a set 5/8-inch iron  
4-17 rod (with cap stamped "Cotton Surveying"), from which a found  
4-18 5/8-inch iron rod bears North 05°27'48" East, 2.82 feet;

4-19 THENCE, in a northeast direction, with the arc of a curve to  
4-20 the left, having a radius of 882.88 feet, a central angle of  
4-21 06°42'29", an arc length of 103.37 feet, and a chord bearing North  
4-22 86°32'18" East, 103.31 feet to a found 5/8-inch iron rod for the  
4-23 northwest corner of a called 1.022 acre tract conveyed to Randy Dale  
4-24 Ware by Warranty Deed as filed for record under Clerk's File No.  
4-25 2010098867 of the Montgomery County Official Public Records of Real  
4-26 Property and being the northwest corner of Springwood Estates,  
4-27 Section 1 (unrecorded);

4-28 THENCE, South 02°00'53" East, along the west line of said  
4-29 Springwood Estates, Section 1, at 766.49 feet passing a found  
4-30 5/8-inch iron rod for the northwest corner of a called 2.003 acre  
4-31 tract conveyed to Michael G. Meek and wife Diana Meek as filed for  
4-32 record under Volume 1113, Page 176 of Montgomery County Deed  
4-33 Records, at 934.83 feet passing a 1 1/2-inch iron pipe for the  
4-34 northwest corner of a tract containing all of Lot 7 and a part of Lot  
4-35 8 conveyed to Robert Barton and wife Amy L. Barton by Warranty Deed  
4-36 with Vendor's Lien as filed for record under Clerk's File No.  
4-37 9515955 of the Montgomery County Official Public Records of Real  
4-38 Property, at 1137.52 feet passing a found 1 1/2-inch iron pipe, at  
4-39 1137.89 feet. 0.13 feet right passing a found 5/8-inch iron rod, at  
4-40 1508.84 feet passing a found 5/8-inch iron rod for the northwest  
4-41 corner of a called 2.1501 acre tract conveyed to Donald R. Midkiff  
4-42 and wife Shirley Midkiff by Warranty Deed as filed for record under  
4-43 Volume 1115, Page 125 of the Montgomery County Deed Records,  
4-44 continuing for a total distance of 1688.79 feet to a found concrete  
4-45 monument for the southwest corner of said 2.1501 acre tract, the  
4-46 southwest corner of said Springwood Estates, Section 1, in the north  
4-47 line of Lot 26 of Springwood Estates, Section 2 conveyed to Shelly  
4-48 Huckaby by Warranty Deed as filed for record under Clerk's File No.  
4-49 2006-023346 of the Montgomery County Official Public Records of  
4-50 Real Property;

4-51 THENCE, South 87°37'23" West, along the north line of said  
4-52 Springwood Estates, Section 2, at 100.09 feet passing a found  
4-53 5/8-inch iron rod for the northwest corner of said Lot 26 and the  
4-54 northeast corner of a called 1.8499 acre tract conveyed to Bradley  
4-55 A. Johnson by Warranty Deed as filed for record under Clerk's File  
4-56 No. 9634196 of the Montgomery County Official Public Records of  
4-57 Real Property, at 394.78 feet, 0.30 feet left passing a found  
4-58 5/8-inch iron rod and continuing for a total distance of 588.38 feet  
4-59 to a set 5/8-inch iron rod (with cap stamped "Cotton Surveying")  
4-60 from which a found nail (bent) bears North 25°40' West, 2.87 feet and  
4-61 a found Axle for the northwest corner of said Tract 4 bears South  
4-62 87°37'23" West, 602.52 feet;

4-63 THENCE, South 03°18'25" East, along the west line of said  
4-64 Springwood Estates Section 2, at 143.55 feet passing a found  
4-65 5/8-inch iron rod for the northwest corner of a called 2.8114 acre  
4-66 tract conveyed to Michael W. Allen and wife Kathy Allen by General  
4-67 Warranty Deed with Vendor's Lien as filed for record under Clerk's  
4-68 File No. 2001-101668 of the Montgomery County Official Public  
4-69 Records of Real Property, at 617.85 feet, 0.62 feet left passing a

5-1 found 5/8-inch iron rod, at 818.78 feet passing a found 5/8-inch  
 5-2 iron rod for the northwest corner of a called 3.4 acre tract  
 5-3 conveyed to Donald Midkiff and wife Shirley Midkiff by Warranty  
 5-4 Deed as file for record under Clerk's File No. 99011347 of the  
 5-5 Montgomery County Official Public Records of Real Property, at  
 5-6 1058.51 feet, 0.28 feet left passing a found 5/8-inch iron rod, at  
 5-7 1499.73 feet passing a found 5/8-inch iron rod for the northwest  
 5-8 corner of a called 1.0500 acre tract conveyed to Montgomery County,  
 5-9 Texas by Warranty Deed as file for record under Clerk's File No.  
 5-10 9569816 of the Montgomery County Official Public Records of Real  
 5-11 Property, and continuing for a total distance of 2035.72 feet to a  
 5-12 point in the centerline of Spring Creek;

5-13       THENCE, along the meanders of the centerline of Spring Creek  
 5-14 the following courses and distances:

- 5-15 1. South 64°37'47" West, 45.82 feet to a point;
- 5-16 2. South 20°42'36" West, 107.16 feet to a point;
- 5-17 3. South 60°34'50" West, 52.22 feet to a point;
- 5-18 4. South 86°56'10" West, 153.14 feet to a point;
- 5-19 5. North 46°17'30" West, 172.35 feet to a point;
- 5-20 6. North 84°29'19" West, 113.48 feet to a point;
- 5-21 7. South 75°36'55" West, 69.93 feet to a point;
- 5-22 8. South 39°43'46" West, 295.96 feet to a point;
- 5-23 9. South 42°29'34" West, 121.65 feet to a point;
- 5-24 10. South 24°21'30" West, 171.48 feet to a point;
- 5-25 11. South 46°07'02" West, 374.25 feet to a point;
- 5-26 12. South 02°38'20" East, 54.32 feet to a point;
- 5-27 13. South 18°34'57" East, 145.37 feet to a point;
- 5-28 14. South 62°36'46" East, 13.16 feet to a point;
- 5-29 15. South 19°27'39" East, 47.27 feet to a point;
- 5-30 16. South 56°55'21" West, 42.55 feet to a point;
- 5-31 17. South 80°40'29" West, 27.74 feet to a point;
- 5-32 18. North 75°34'20" West, 60.34 feet to a point;
- 5-33 19. North 45°24'17" West, 92.21 feet to a point;
- 5-34 20. South 69°37'01" West, 122.47 feet to a point;
- 5-35 21. South 01°52'10" West, 80.77 feet to a point;
- 5-36 22. South 47°53'22" West, 257.25 feet to a point;
- 5-37 23. South 62°49'43" West, 107.87 feet to a point;
- 5-38 24. South 70°51'08" West, 113.74 feet to a point;
- 5-39 25. South 47°54'19" East, 39.09 feet to a point;
- 5-40 26. South 33°56'40" East, 40.49 feet to a point;
- 5-41 27. South 19°44'57" East, 215.80 feet to a point;
- 5-42 28. In a southwest direction, with the arc of said curve to the  
 5-43 right, having a radius of 112.17 feet, a central angle of 89°09'41",  
 5-44 an arc length of 174.55 feet, and a chord bearing South 16°35'46"  
 5-45 West, 157.46 feet;
- 5-46 29. South 78°20'54" West, 127.86 feet to a point;
- 5-47 30. South 62°48'04" West, 67.77 feet to a point;
- 5-48 31. South 43°07'36" West, 199.77 feet to a point;
- 5-49 32. South 11°09'17" West, 224.55 feet to a point;
- 5-50 33. South 16°52'24" West, 81.16 feet to a point;
- 5-51 34. South 16°13'30" East, 66.10 feet to a point;
- 5-52 35. South 03°02'55" West, 577.13 feet to a point;
- 5-53 36. South 02°51'05" East, 65.04 feet to a point;
- 5-54 37. South 11°08'15" West, 109.37 feet to a point;
- 5-55 38. South 38°39'44" West, 78.65 feet to a point;
- 5-56 39. South 47°30'41" West, 136.45 feet to a point;
- 5-57 40. South 39°01'15" West, 183.90 feet to a point;
- 5-58 41. North 77°44'05" West, 78.71 feet to a point;
- 5-59 42. South 60°20'13" West, 44.60 feet to a point;
- 5-60 43. South 30°10'19" West, 101.61 feet to a point;
- 5-61 44. South 05°54'03" East, 96.43 feet to a point;
- 5-62 45. South 03°36'26" West, 160.90 feet to a point;
- 5-63 46. South 19°03'19" East, 52.87 feet to a point;
- 5-64 47. South 15°28'22" West, 110.56 feet to a point;
- 5-65 48. South 26°18'48" West, 193.37 feet to a point;
- 5-66 49. South 25°07'04" West, 284.81 feet to a point;
- 5-67 50. South 21°59'56" West, 319.08 feet to a point;
- 5-68 51. South 42°58'11" West, 27.29 feet to a point;
- 5-69 52. South 76°04'54" West, 40.59 feet to a point;

6-1 53. South 60°41'21" West, 247.58 feet to a point;

6-2 54. South 51°14'52" West, 198.47 feet to a point;

6-3 THENCE, North 01°51'21" West, leaving the centerline of said  
6-4 Spring Creek along the west line of said Tract 1, at 1111.01 feet,  
6-5 0.30 feet right passing a found Flat Bar (leaning), at 1352.28 feet,  
6-6 .014 right a found T-Rail, and continuing for a total distance of  
6-7 1830.00 feet to a set 5/8-inch iron rod (with cap stamped "Cotton  
6-8 Surveying");

6-9 THENCE, North 02°33'57" West, continuing along the west  
6-10 boundary line of said Tract 1, at 102.90 feet, .052 feet left a  
6-11 found axle, at 247.93 feet, 1.78 right a found concrete monument and  
6-12 continuing for a total distance 2010.73 feet to a found concrete  
6-13 monument for the southeast corner of said Tract 5 and the northeast  
6-14 corner of a called 222.0856 acre tract conveyed to Derek Alan Metz  
6-15 and Clyde Metz as filed for record under Clerk's File No.  
6-16 2009-058942 of the Montgomery County Official Public Records of  
6-17 Real Property;

6-18 THENCE, South 87°46'40" West, along the common line of said  
6-19 Tract 5 and said 222.0856 acre tract 576.99 feet to a found concrete  
6-20 monument for the southwest corner of said Tract 5 and the northwest  
6-21 corner of said 222.0856 acre tract;

6-22 THENCE, North 03°15'31" West, along the west line of said  
6-23 Tract 5, 1731.48 feet to a found T-Rail for the northwest corner of  
6-24 said Tract 5 in the south line of a called 1.716 acre tract conveyed  
6-25 to Jerry Kirkpatrick Homes, Inc. by Warranty Deed as filed for  
6-26 record under Volume 1026, Page 729 of the Montgomery County Deed  
6-27 Records;

6-28 THENCE, North 87°35'39" East, along the common line of said  
6-29 Tract 5 and said 1.716 acres, at 26.28 feet a found 3/4-inch iron  
6-30 rod, at 136.21 feet, 0.15 feet left a found 1/2-inch iron rod (bent), at  
6-31 246.11 feet, 0.13 feet left a found 1/2-inch iron rod and continuing  
6-32 for a total distance of 578.10 feet to a found axle for northeast  
6-33 corner of said Tract 5 and the southeast corner of a called 0.6853  
6-34 acre tract conveyed to Cindy Ann Schmidt by Special Warranty Deed as  
6-35 file for record under Clerk's File No. 9445705 of the Montgomery  
6-36 County Deed Records and being in the west line of said Tract 2;

6-37 THENCE, North 03°23'08" West, along the east line of said  
6-38 0.6853 acre tract and the west line of said Tract 2, 1185.47 feet to  
6-39 a set 5/8-inch iron rod (with cap stamped "Cotton Surveying"), from  
6-40 which a found axle bears South 88°01' West, 1.83 feet;

6-41 THENCE, North 88°00'38" East, along a north line of said Tract  
6-42 2, 686.50 feet to a found 2-inch iron pipe for the southeast corner  
6-43 of a called 8.4715 acre tract conveyed to Lynn P. Stewart and wife  
6-44 Refeana D. Stewart by General Warranty Deed with Vendor's Lien as  
6-45 filed for record under Clerk's File No. 9714296 of the Montgomery  
6-46 County Official Public Records of Real Property;

6-47 THENCE, North 00°57'02" West, along the west line of said  
6-48 Tract 2, at 25.43 feet passing a found 1/2-inch iron rod for the  
6-49 southwest corner of said Tract 7 and a northwest corner of said  
6-50 Tract 2, at 604.97 feet, 1.52 feet right a found 5/8-inch iron rod,  
6-51 at 811.95 feet, 5.19 feet right a found 1/2-inch iron rod (stamped  
6-52 "RPLS 3971 Rainke"), at 1191.18 feet, 0.52 feet left a found  
6-53 5/8-inch iron rod, at 1776.38 feet, 0.84 feet left a found 5/8-inch  
6-54 iron rod and continuing for a total distance of 2348.57 feet to the  
6-55 POINT OF BEGINNING, CONTAINING 500.9 acres of land in Montgomery  
6-56 County, Texas as shown on drawing number 2407 in the office of  
6-57 Cotton Surveying, The Woodlands, Texas.

6-58 SECTION 3. (a) The legal notice of the intention to  
6-59 introduce this Act, setting forth the general substance of this  
6-60 Act, has been published as provided by law, and the notice and a  
6-61 copy of this Act have been furnished to all persons, agencies,  
6-62 officials, or entities to which they are required to be furnished  
6-63 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
6-64 Government Code.

6-65 (b) The governor, one of the required recipients, has  
6-66 submitted the notice and Act to the Texas Commission on  
6-67 Environmental Quality.

6-68 (c) The Texas Commission on Environmental Quality has filed  
6-69 its recommendations relating to this Act with the governor, the

7-1 lieutenant governor, and the speaker of the house of  
7-2 representatives within the required time.

7-3 (d) All requirements of the constitution and laws of this  
7-4 state and the rules and procedures of the legislature with respect  
7-5 to the notice, introduction, and passage of this Act are fulfilled  
7-6 and accomplished.

7-7 SECTION 4. (a) If this Act does not receive a two-thirds  
7-8 vote of all the members elected to each house, Subchapter C, Chapter  
7-9 8421, Special District Local Laws Code, as added by Section 1 of  
7-10 this Act, is amended by adding Section 8421.106 to read as follows:

7-11 Sec. 8421.106. NO EMINENT DOMAIN POWER. The district may  
7-12 not exercise the power of eminent domain.

7-13 (b) This section is not intended to be an expression of a  
7-14 legislative interpretation of the requirements of Subsection (c),  
7-15 Section 17, Article I, Texas Constitution.

7-16 SECTION 5. Except as provided by Section 4 of this Act:

7-17 (1) this Act takes effect immediately if it receives a  
7-18 vote of two-thirds of all the members elected to each house, as  
7-19 provided by Section 39, Article III, Texas Constitution; and

7-20 (2) if this Act does not receive the vote necessary for  
7-21 immediate effect, this Act takes effect September 1, 2013.

7-22

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